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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,899	10/29/2003	Dean Jeffrey Bidwell	2000P09037US02	9252

7590 02/08/2005
Elsa Keller Legal Administrator
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EXAMINER

EDWARDS, ANTHONY Q

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,899

Applicant(s)

BIDWELL ET AL.

Examiner

Anthony Q. Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-13 and 15-31 is/are rejected.
- 7) ☒ Claim(s) 8 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/8/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The indicated allowability of claims 9, 13-21, 23 and 24 is withdrawn based on the examiner's further review of U.S. Patent No. 5,129,397 to Jingu et al. ("Jingu" hereinafter). Rejections of said claims follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 26 and 28-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). According to applicant's arguments on page 9 of the Remarks, filed November 8, 2004, the term "mounts" in claim 26, as well as the term "mounted" in claim 28, is used by the claim to mean something that is "fixed" or "does not move," which is "*different than art that taught free rotation through a range of relative angles*" (see page 9, lines 3-9 of the Remarks). As such, the term "connected to" in claims 26 and 28 must mean 'not fixed' or 'not able to move.' This would lead one to interpret the claims as meaning the control panel is able to rotate or move independently of the stand, i.e., connected to, as well as being fixed such that the control panel does not move relative to the stand. Therefore, the terms "mounts" and "mounted" are

indefinite because the specification does not clearly redefine the term. Claims 29-31 depend from claim 28 and are rejected for at least the same reasons.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 13, 16-21, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Jingu. Referring to claim 13, Jingu discloses an ultrasound system stand (20) for use with an ultrasound system (see Fig. 2), the stand comprising a control panel (46) connected with the stand and inherently operatively connected with the ultrasound system, a display (62) above the control panel (46), and a transducer connector (82) connected with the stand (20), a top of the transducer connector (82) being below a top of the display (62) and (i.e., a top of the transducer connector) above a lowest portion of the control panel (46), wherein the control panel is oriented at more than 10 degrees and less than 80 degrees to the transducer connector, the orientation relative to an operator position. Jingu discloses the claimed orientation, since an operator has the ability to position, i.e., orient, the control panel (46), utilizing post (24) and arm (26) of the stand. See Figs. 5 and 7 and the corresponding specification.

Referring to claim 16, Jingu discloses an ultrasound system stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle more than 30 degrees and less than 60 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 17, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at angle more than 40 degrees and less than 50 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 18, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle of about 45 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 19, Jingu discloses a movable stand, wherein the control panel comprises at least a keyboard, the operation position is facing the keyboard substantially perpendicular to rows of keys of the keyboard (see col. 4, lines 37-42).

Referring to claim 20, Jingu discloses a movable stand, further comprising a transducer hanger (not numbered) connected with the stand on a same side of the stand as the transducer connector. See Fig. 9, which shows hanger at display (62).

Referring to claim 21, Fig. 9 of Jingu shows a movable stand, further comprising at least one caster (22) connected with a bottom of the stand.

Referring to claims 23 and 24, the method steps are necessitated by the device structure disclosed by Jingu. See Figs. 7-9 and the corresponding specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-12, 22 and 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jingu. Referring to claim 1, Jingu discloses a moveable stand (20) for operating a data system, the moveable stand comprising a control panel (46) connected to the stand, and an accessory device (84) having a user interface (i.e., slot opening), the accessory device on the

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stand, and a transducer connector (82) on a vertical portion of the stand, the user interface of the accessory device and transducer connector on different sides of the control panel relative to an operator position (see Fig. 9). Jingu also discloses the control panel (46) oriented at more than 10 degrees and less than 80 degrees to the user interface of the accessory device (84) and to the transducer connector (82), the orientation relative to an operator position, since an operator has the ability to position, i.e., orient, the control panel (46) as claimed, utilizing post (24) and arm (26). See Figs. 5 and 7 and the corresponding specification.

Although Jingu does not specifically teach the control panel connected to the stand at a position more centered than off-centered, the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made. Fig. 7 of Jingu shows in schematic form the control panel (46) connected to the stand (20) at arm (26), near the rear of the control panel. As such, while the reference does not specifically teach the claim limitations relating to the position being more centered than off-centered, the determination of the most appropriate position of the control panel on the arm of the stand by routine experimentation would be *prima facie* obvious to one having ordinary skill in the data system stand or ultrasound stand arts.

Referring to claim 2, Jingu discloses a movable, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle more than 30 degrees and less than 60 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 3, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at angle more than 40 degrees and less than 50 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 4, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle of about 45 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 5, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented at more than 10 degrees and less than 80 degrees to any side of the accessory device (84), the accessory device comprising a generally rectilinear volume-having four sides, a top and a bottom. See Figs. 7 and 9 and the corresponding specification.

Referring to claim 6, Jingu discloses a movable stand, wherein the control panel comprises at least a keyboard, the operation position is facing the keyboard substantially perpendicular to rows of keys of the keyboard (see col. 4, lines 37-42).

Referring to claim 7, Fig. 9 of Jingu shows a movable stand, further comprising a display device (62) positioned above the control panel (46), wherein the accessory device (84) is positioned below the control panel.

Referring to claim 9, Jingu discloses a movable stand, further comprising a display (62) above the control panel (46), wherein a top of the transducer connector (82) is below a top of the display and above a lowest portion of the control panel (see Fig. 2).

Referring to claim 10, Jingu discloses a movable stand, wherein the accessory device (84) comprises at least one of a printer and a video-cassette recorder (see col. 5, lines 60-61).

Referring to claim 11, Jingu discloses a movable stand, further comprising at least one caster (22) connected with a bottom of the stand. See Figs. 2-10 and col. 3, line 66.

Referring to claim 12, Jingu discloses a movable stand, further comprising an ultrasound system within the moveable stand (see col. 3, lines 62-66).

Referring to claim 22, Jingu inherently discloses a method for ergonomically connecting ultrasound system components as claimed, including orienting the control panel (46) at more than 10 degrees and less than 80 degrees to the transducer connector (82) relative to the operator position, the transducer connector (82) spaced 90 to 270 degrees around the diameter of the ultrasound system stand from the user interface of the accessory device (84). See Figs. 7 and 9 and the corresponding specification.

Referring to claims 26 and 28, Jingu discloses a movable stand wherein the control panel “mounts to the stand” and “is mounted on the stand” to the stand. See col. 4, lines 51-55, which teaches both rotatable and fixed or locked positioning of the control panel on the stand.

Referring to claim 27, Jingu discloses a movable stand, wherein the control panel has a back edge relative to the operator position, the control panel connected to the stand at a center of the back edge (see Fig. 7).

Referring to claim 29, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle of about 45 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 30, Jingu discloses a movable stand, wherein the control panel comprises at least a keyboard, the operation position is facing the keyboard substantially perpendicular to rows of keys of the keyboard (see col. 4, lines 37-42).

Referring to claim 31, Jingu discloses a movable stand, further comprising an ultrasound system within the moveable stand (see col. 3, lines 62-66).

Claims 15 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jingu in view of U.S. Patent No. 6,493,220 to Clark et al. Jingu discloses the invention as claimed, except for the accessory device provided within the stand. Clark teaches placing or housing an accessory device (430) within a stand (414) of an ultrasound system (see Fig. 16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the stand of Jingu to position or house the accessory device within the stand, as taught by Clark et al., since this would eliminate the need for placing devices on the top surface of the stand of Jingu (see Fig. 9), thereby providing a less cluttered and but more pleasing unit to the eye.

Allowable Subject Matter

Claims 8 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the primary reason for the allowability of claims is the specific limitation of at least a portion of the transducer connector being at a same height as at least a portion of the control panel. These features, in combination with the rest of the elements or steps, are not taught or suggested by the prior art references.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed November 8, 2004 have been fully considered but they are not persuasive. The arguments relating to the control panel connected to the stand at a position more centered than off-centered have been addressed above. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Furthermore, applicant seems to be attempting to provide evidence to overcome the grounds of the rejection under 37 CFR 1.132 affidavit practice. The language provided in the last paragraph of page 9 of the Remarks is insufficient, however, since any evidence submitted to traverse the rejection or objection on a basis not otherwise provided for must be by way of an oath or Declaration. The "various awards and articles" mentioned by the applicant have no bearing on the specific art rejection.

Conclusion

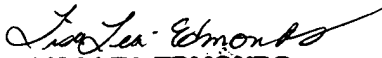
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 7, 2005
aqe


LISA LEA-EDMONDS
PRIMARY EXAMINER